

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-28 are pending in this application. Claims 1-28 are amended by the present amendment.

In the outstanding Office Action, Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph.

Claim 1 has been amended to recite the use of a controlling unit. This amendment is supported by the specification at least at the second full paragraph on page 30. Furthermore, Claims 2-11, 13-20, and 22-28 have been amended to recite that the viscous resistance of the actuator motor is set. This amendment is supported by the specification at least at the first full paragraph on page 51. Additionally, Claims 1-28 have been amended to address cosmetic matters of form. No new matter has been added. Accordingly, it is respectfully requested the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Since Applicant has not changed the scope of the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication should not be considered a Final Office Action. Indeed, as the Manual of Patent Examining Procedure (herein “MPEP”) states at § 706.07(a), “[a] second . . . action on the merits in any application . . . should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed.”

Moreover, as the MPEP states at § 707.07(g), “[p]iecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid

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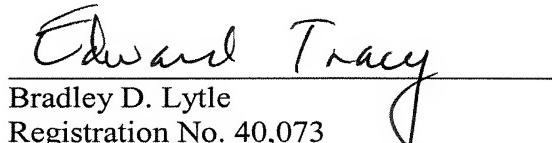
grounds available.” Additionally, as stated in the MPEP at 2106 II, “[u]nder the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action.”

Thus, the next Office Action should not be made final and also should examine the claims of the merits.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully Submitted,

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